

REMARKS

Claims 1-14 are pending in this application.

Claims 1-5 and 11 stand rejected as being anticipated by Uhl et al. This rejection is again traversed. The examiner reasons that since the instant claims at part c call for "0 to 40% by weight of ...unsaturated acid or unsaturated anhydride" then it is anticipated by Uhl et al. who disclose 50 to 99 parts by weight of acrylic acid and/or methacrylic acid. The examiner's position is not understood. There is no overlap between the respective disclosures. It is incumbent upon the examiner to point why a claim directed to "0 to 40% by weight" is anticipated by a disclosure of "50 to 99 parts by weight". Favorable reconsideration is solicited.

Claims 1-13 and 14 stand rejected under 35 USC §103(a) as being unpatentable over Tropsch et al. '032 and Uhl et al. '969. This rejection is again traversed. There is no suggested relationship that would make it obvious to combine the Tropsch and Uhl disclosures. The examiner's mere assertion: "Both references teach polymeric preparations that comprise monomers that are capable of acting as crosslinkers." is not supported by a reading of the Tropsch disclosure - which if it did there would be no need to cite the Uhl et al. If the Tropsch reference fails to disclose all of the elements of the applicants' claims, as is the case, then the use of compositions disclosed by Tropsch et al. would not inherently accomplish the same results as would the applicants' compositions. Although Tropsch et al. do not contemplate the same use as recited in the instant claims, The difference between Tropsch et al. and the presently claimed invention is significantly

greater than a mere recitation of intended use. Therefore, standing alone, the Tropsch et al. reference would not render obvious the invention presently claimed herein.

There must be nexus between two references to support the examiner's contention that it would be suggested to combine them. The Uhl et al. disclosure relates to thickeners for textile print pastes with improved fastness. Thus, the intention of Uhl et al. is to prevent the washing out of the print from the fabric. There is no print or comparable element in the compositions disclosed by Tropsch et al. that would benefit from the function of the crosslinker agent disclosed by Uhl et al. Therefore, it would not be suggested to combine the two references. And even if the two references were combined, the combination of Tropsch et al. and Uhl et al. would not suggest the presently claimed cosmetic or dermatological preparations for the care of the skin. Unlike the facts in the case of In re Best et al., cited by the examiner, the applicants have presented a comparative test data at page 27 which demonstrates that skin creme A with crosslinking agent is superior to skin creme C without crosslinking agent.

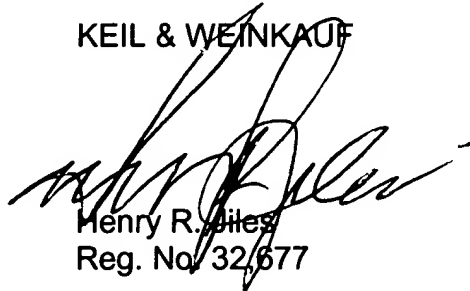
The examiner is requested to favorably reconsider the rejection of claims 1-13 on the grounds of double patenting in view of the applicants' response the rejection under 35 USC §103(a). The respective sets of claims represent patentably distinct inventions in view of the showing of unexpected results.

In view of the foregoing amendment, remarks and the comparative test data, the applicants urge that the presently claimed invention is patentable, and a notice of allowance is solicited.

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Respectfully submitted,

KEIL & WEINKAUF

A handwritten signature in black ink, appearing to read "Henry R. Jiles", is written over the printed name and registration number.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

14. (amended) A skin cosmetic or dermatological preparation comprising, in addition to customary additives, at least one copolymer obtained by

(i) free-radically initiated copolymerization of a monomer mixture consisting of

(a) 1 to 99.99% by weight of at least one monomer chosen from N-vinylimidazoles and diallylamines, optionally in partially or completely quaternized form;

(b) 0 to 98.99% by weight of at least one neutral or basic water-soluble monomer which is different from (a);

[(c)] (d) 0 to 50% by weight of at least one free-radically copolymerizable monomer which is different from (a) [,] or (b) [or (c)] and from unsaturated acids or unsaturated anhydrides; and

[(d)] (e) 0.01 to 10% by weight of at least one monomer which acts as crosslinker and has at least two ethylenically unsaturated, nonconjugated double bonds; and

(ii) subsequent partial or complete quaternization and protonation of the polymer in the case where the monomer (a) is unquaternized or only partially quaternized.

COPY OF ALL CLAIMS

1. A skin cosmetic or dermatological preparation selected from cosmetic compositions for cleansing the skin, cosmetic compositions for the care and protection of the skin, nail care compositions, and preparations for decorative cosmetics, comprising, in addition to customary additives, at least one copolymer obtained by
 - (i) free-radically initiated copolymerization of a monomer mixture comprising
 - (a) 1 to 99.99% by weight of at least one monomer chosen from N-vinylimidazoles and diallylamines, optionally in partially or completely quaternized form;
 - (b) 0 to 98.99% by weight of at least one neutral or basic water-soluble monomer which is different from (a);
 - (c) 0 to 40% by weight of at least one unsaturated acid or unsaturated anhydride,
 - (d) 0 to 50% by weight of at least one-free radically copolymerizable monomer which is different from (a), (b) or (c); and
 - (e) 0.01 to 10% by weight of at least one monomer which acts as crosslinker and has at least two ethylenically unsaturated, nonconjugated double bonds; and
 - (ii) subsequent partial or complete quaternization and protonation of the polymer in the case where the monomer (a) is unquaternized or only partially quaternized.

2. The preparation as claimed in claim 1, wherein the protonation as in (ii) takes place during formulation of the preparation.
3. The preparation as claimed in claim 1, wherein monomer (a) is at least one diallylamine derivative of the formula (II), in which the radical R⁴ is C₁-C₂₄ alkyl.
4. The preparation as claimed in claim 1, wherein monomer (a) is at least one N-vinylimidazole derivative of the formula (I),
in which the radicals R¹ to R³ independently of one another are hydrogen, C₁-C₄-alkyl or phenyl.
5. The preparation as claimed in claim 1, wherein monomer (b) is at least one N-vinylactam.
6. The preparation as claimed in claim 1, chosen from cosmetic compositions for cleansing of the skin.
7. The preparation as claimed in claim 6, chosen from soaps, syndets, liquid washing, shower and bath preparations.
8. The preparation as claimed in claim 1, chosen from cosmetic compositions for the care and protection of the skin, nailcare compositions, and preparations for decorative cosmetics.
9. The preparation as claimed in claim 8, chosen from skincare compositions, personal hygiene care compositions, footcare compositions, sunscreens, repellants, shaving compositions, depilatories, anti-acne compositions, makeup, mascara, lipsticks, eyeshadows, kohl pencils, eyeliners, blushers, powders and

eyebrow pencils.

10. The preparation as claimed in claim 9, wherein the skincare compositions are chosen from W/O or O/W skin creams, day and night creams, eye creams, anti wrinkle creams, moisturizers, bleaching creams, vitamin creams, skin lotions, care lotions and moisturizing lotions.
11. The preparation as claimed in claim 1, wherein the copolymer is used in the form of a W/O emulsion.
12. The preparation as claimed in claim 11, wherein the copolymer has been polymerized in the emulsion or suspension.
13. The preparation as claimed in claim 12, wherein the oil phase of the emulsion or suspension comprises a cosmetic oil.
14. (amended) A skin cosmetic or dermatological preparation comprising, in addition to customary additives, at least one copolymer obtained by
 - (i) free-radically initiated copolymerization of a monomer mixture consisting of
 - (a) 1 to 99.99% by weight of at least one monomer chosen from N-vinylimidazoles and diallylamines, optionally in partially or completely quaternized form;
 - (b) 0 to 98.99% by weight of at least one neutral or basic water-soluble monomer which is different from (a);
 - (d) 0 to 50% by weight of at least one free-radically copolymerizable monomer which is different from (a) or (b) and from unsaturated acids or

unsaturated anhydrides; and

- (e) 0.01 to 10% by weight of at least one monomer which acts as crosslinker and has at least two ethylenically unsaturated, nonconjugated double bonds; and
- (ii) subsequent partial or complete quaternization and protonation of the polymer in the case where the monomer (a) is unquaternized or only partially quaternized.